

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

ORIGINAL

STATE OF ILLINOIS)
COUNTY OF COOK) ss

ILLINOIS
COMMERCE COMMISSION

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STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

CHIEF CLERK'S OFFICE

DEPARTMENT OF TRANSPORTATION,
STATE OF ILLINOIS,

Petitioner

vs.

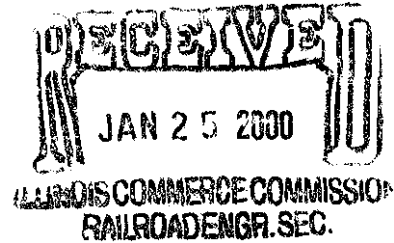
NATURAL GAS PIPE LINE COMPANY OF
AMERICA, a Delaware corporation,
and UNKNOWN OWNERS,

Respondents.

Petition for approval of the
taking or damaging of certain
properties owned by a public
utility in Lake County, Illinois
by exercising the right of
eminent domain.

Case No. 00-0077

Parcel 19G 0089



PETITION FOR APPROVAL TO TAKE PROPERTY

TO THE ILLINOIS COMMERCE COMMISSION:

Petitioners, DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS,
a Department of the State Government of Illinois, by JAMES E.
RYAN, Attorney General of the State of Illinois, and John T.
Kennedy, Special Assistant Attorney General, and Michael J.
Halpin, Assistant Attorney General, pursuant to Section 5/7-102
of the Eminent Domain Act of Illinois (735 ILCS 5/7-102),
requests approval of the Illinois Commerce Commission for the
taking and damaging of certain properties owned by NATURAL GAS
PIPE LINE COMPANY OF AMERICA, a Delaware corporation, (the

"Utility"), a public utility subject to the jurisdiction of the ILLINOIS COMMERCE COMMISSION, and respectfully states:

1. That pursuant to Articles 2 and 4 of the Illinois Highway Code, (605 ILCS 5/2-101 to 5/2-220 and 5/4-101 to 5/4-512 and all other applicable provisions of said Illinois Highway Code), Petitioner is engaged in the construction, improvement, locating, relocating, reconstructing, extending, widening, straightening, resurfacing, repairing, and maintaining of F.A.P. 344 (U.S. Rt. 45) from Illinois Route 137 to north of Illinois Route 176 in Lake County, Illinois, a State highway under the control and jurisdiction of Petitioner; and that for such purposes, and the providing of natural deposits and road materials therefor, said highway has been surveyed, laid out, and projected over certain lands and premises situated in Lake County, Illinois; and that said lands and premises, which are the subject of the complaint, are in the Section of U.S. Rt. 45 from Illinois Route 137 to north of Illinois Route 176 in Lake County, Illinois, which is concerned with the widening and resurfacing of F.A.P. 344 (U.S. Rt. 45) in Lake County, Illinois.

2. Under the Illinois Highway Code, F.A.P. 344 (U.S. Rt. 45) from Illinois Route 137 to north of Illinois Route 176 in Lake County, Illinois is a part of and included in the State Highway System.

3. Section 5/4-501 of the said Illinois Highway Code (605 ILCS 5/4-501 provides:

"The Department, in its name, or any county may acquire the fee simple title, or such lesser interest as may be desired, to any land, rights, or other property necessary for the construction, maintenance or operation of State highways, or necessary for locating, relocating, extending, widening or straightening any State highway, or necessary for locating, relocating, extending widening or straightening an existing street or for laying out, establishing or opening a new street within the corporate limits of any municipality which has been designated by the Department as a street to form a part of or to connect with a State highway leading up to the corporate limits of such municipality, or necessary for any other purpose or use contemplated by this Code by purchase or by the exercise of the right of eminent domain under the eminent domain laws of this state and the Department shall not be required, in any case, to furnish bond."

4. That the lands, rights or other property hereinafter described are private property, and the persons hereinafter mentioned in connection therewith are, so far as appears of record, and so far as Petitioner has been able to learn, the persons who own, or otherwise are interested in the same or claim to have some interest therein.

5. That the improvement aforesaid is a public work, for public use and constitutes a public purpose, namely a public highway; that it is necessary Petitioner have and acquire for the use of the People of the State of Illinois for highway purposes, the lands, rights or other property hereinafter described.

6. The Utility is a public utility as defined in the Public Utilities Act, 220 ILCS 5/3-105, is engaged as a public utility within the State of Illinois, and is subject to the jurisdiction of the Illinois Commerce Commission.

7. The Utility is title holder to certain real property, said property being located in Lake County, the legal description of which is attached hereto and marked as Exhibit "A". This real property is located at or adjacent to U.S. Rt. 45 from Illinois Route 137 to north of Illinois Route 176, at Peterson Road, in Lake County, Illinois. A copy of the Department's Plat of Highways depicting the property sought to be acquired by the Petitioner is shown on Exhibit B attached hereto.

8. That Petitioner is authorized under provisions of the Illinois Highway Code (605 ILCS 5/4-501 and all other applicable provisions of said Illinois Highway Code) to acquire the fee simple title, or such lesser interest as may be desired, to Parcel 19G 0089, legally described in Exhibit "A" attached hereto, and to the lands, rights or other property necessary to this improvement.

9. That compensation to be paid by Petitioner for or in respect to each parcel of property sought to be appropriated or damaged for the above-mentioned purposes cannot be agreed upon between Petitioner and the parties interested therein, although Petitioner has attempted to effect such an agreement; and that Petitioner, therefore, is authorized and desires to proceed to acquire said lands, rights or other property through the exercise of the right of eminent domain under the eminent domain laws of this State.


10. Section 7-102 of the Code of Civil Procedure (735 ILCS 5/7-102) requires Petitioner to obtain approval of the Illinois Commerce Commission prior to the taking or damaging of the Utility's property described in Exhibit "A".

WHEREFORE, Petitioner, DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS, requests the Illinois Commerce Commission under its authority pursuant to the Public Utilities Act, 220 ILCS 5/1-102 et seq., to approve the taking or damaging of the above described real property of the Respondent NATURAL GAS PIPE LINE COMPANY OF AMERICA by the exercise of the right of eminent domain pursuant to the Illinois Code of Civil Procedure, Eminent Domain, 735 ILCS 5/7-101 et seq., and for such other relief or order as may be equitable and just.

(Continued)

By: JAMES E. RYAN
Attorney General of Illinois


Michael J. Halpin
Assistant Attorney General


Keith E. Letsche, Chief
Land Acquisition Bureau
Assistant Attorney General

State of Illinois)
) SS
County of Cook)

I, John T. Kennedy, being first duly sworn, depose and state that I am a Special Assistant Attorney General for the State of Illinois, that I have read the above and foregoing Petition by me subscribed, have knowledge of the contents thereof, and that on information and belief the contents are true in substance and in fact.

Subscribed and Sworn to
before me this 14th day
of January, 2000.

John T. Kennedy
John T. Kennedy, Special
Assistant Attorney General

of January, 2000.
Aleci W. Pedras
 Notary Public

John T. Kennedy
Special Assistant Attorney General
500 Davis Street, Suite 701
Evanston, Illinois 60201
(847) 425-1115



James E. Ryan, Illinois Attorney General
Michael J. Halpin, Assistant Attorney General
Office of the Attorney General-Land Acquisition Bureau
100 W. Randolph Street, 12th Floor
Chicago, Illinois 60601
(312) 814-5470

Owner: Natural Gas Pipeline Co. of America
Route: **FAP 344 (US Route 45)**
Section:
County: Lake
Job No. : **R91-019-91**
Parcel No.: 0089
Station **5 + 90** 1.162 To Station **5 + 946.70** |
Index No.: **10-12-400-014**


Parcel 0089

That **part of the** Southeast quarter of Section 12, Township 44 North, Range 10 East of the Third Principal Meridian, in Lake County, Illinois, described as follows: Beginning at the Northwest corner of said Southeast **quarter**; thence on an assumed bearing of South 89 degrees 59 minutes 13 seconds East, on the North line of said Southeast quarter, said North line also being the centerline **of Peterson Road**, 45.720 meters [**150.00** feet]; thence South 00 degrees 00 minutes 41 seconds West, perpendicular to the last described line, 15.240 meters [**50.00** feet] to a line that is parallel with and 15.240 meters [**50.00** feet] South of the North line of said Southeast quarter; thence North 89 degrees 59 minutes 13 seconds West, on said parallel line, 45.540 meters [**149.4** feet] to a **5/8"** rebar with an allied cap stamped "State of Illinois Division of Highways ROW corner IPLSC 89" and to the West **line** of said Southeast quarter; thence North 00 degrees 39 minutes 56 seconds West, on said West line, 15.241 meters [**50.00** feet] to the point of beginning.

Said parcel containing 695 square meters, more or less, or 0.172 acre, more or less, of which 557 square meters, more or less, or 0.138 acre, more or less have been previously dedicated for highway purposes.

June 22, 1998

970031\par0089


EXHIBIT "A"

RE: T-800 - N.Y.C.
QUARTER SECTION LINE
QUARTER SECTION LINE
QUARTER SECTION LINE

STATE OF ILLINOIS)
)
COUNTY OF LAKE)

STATE OF ILLINOIS,
ILLINOIS COMMERCE COMMISSION

THE DEPARTMENT OF)	
TRANSPORTATION OF THE STATE OF)	
ILLINOIS, for and on behalf of the people)	
of the State of Illinois,)	
)	
Plaintiff,)	CONDEMNATION
)	
vs.)	No.
)	
NATURAL GAS PIPELINE COMPANY)	
OF AMERICA, a Delaware corporation,)	Parcel(s): 19G 0089
and UNKNOWN OWNERS, generally,)	
)	
Defendants.)	

NOTICE OF FILING

To: Mr. Dee Bennett
Natural Gas Pipeline Company of America
23725 W. County Farm Road
Shorewood. Illinois 6043 1

PLEASE TAKE NOTICE that on the *19th* day of January, 2000, I caused to be filed with the Illinois Commerce Commission, a Petition For Approval To Take Property, a copy of which is herewith served upon you.

CERTIFICATE OF SERVICE

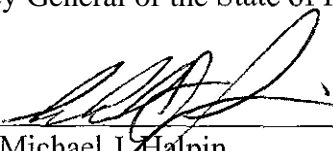
I, Michael J. Halpin, the attorney, certify that I served a copy of the foregoing Petition For Approval To Take Property, together with its attachments, by sending it via certified mail to the above named party at the address indicated above on the 18th day of January, 2000.

**THE DEPARTMENT OF
TRANSPORTATION,
STATE OF ILLINOIS**

By its Attorney

James E. Ryan
Attorney General of the State of Illinois

By: _____


Michael J. Halpin,
Assistant Attorney General
John T. Kennedy
Special Assistant Attorney General

SUBSCRIBED and SWORN to
before me this ____
day of _____, 2000.

Notary Public

James E. Ryan, Illinois Attorney General
Michael J. Halpin, Assistant Attorney General
Office of the Attorney General-Land Acquisition Bureau
100 West Randolph Street, 12th floor
Chicago, Illinois 60601
(312) 814-5470
Attorney No. 99000

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